

## DEPARTMENT OF NATURAL RESOURCES

By the letter dated July 11, 2006 the Lower Loup Natural Resources District (LLNRD) pursuant to Neb. Rev. Stat. § 46-712(6) requested the Department of Natural Resources to conduct an evaluation to determine if an immediate stay should be placed on the issuance of new surface water natural flow appropriations in the ground water management area adopted by the LLNRD. The Director has conducted the evaluation requested and FINDS:

- It is therefore ORDERED:

Effective September 15, 2006 a temporary stay shall be placed on the issuance of any new surface water natural flow appropriations for irrigation in the LLNRD's ground water management area. A copy of the boundaries of the ground water management area, which is the entire LLNRD is attached to and incorporated in this Order.

Pursuant to §46-714(3)(i) exceptions to the stay imposed shall exist for new surface uses to which an existing right or permit is transferred in accordance with state law, but the consumptive use of any such new use can be no greater than the historic consumptive use of the existing surface water use.

This stay shall not apply to any applications for permits in the Department on September 15, 2006.

This stay shall not prohibit any irrigation district, reclamation district, public power and irrigation district, rural water district or mutual irrigation or canal company from completing a map transfer pursuant to Neb. Rev. Stat. §§46-2,121 through 46-2,130 or prohibit an irrigator from increasing the amount of land irrigated as long as the amount of water diverted does not exceed the amount of water currently authorized for diversion in the appropriation permit.

The Director may grant variances from the strict application of this stay upon good cause shown. Variances will be liberally granted for appropriations for alternative methods of irrigation used for public education and/or demonstration projects and for appropriations for surface water to supplement the water supply for land already irrigated. This stay shall remain in effect until January 1, 2008.

DEPARTMENT OF NATURAL RESOURCES

August 18, 2006

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Ann Bleed, Acting Director

A copy of this Order was mailed on August \_\_, 2006 to Leon Koehlmoos, General Manager Lower Loup Natural Resource District, 2620 Airport Drive, Ord, Nebraska 68862; and the Department of Natural Resources field offices.